

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH BOYER,

Plaintiff,

Case No. 11-13573
Honorable David M. Lawson

v.

GREAT LAKES CAPITAL FUNDS,

Defendant.

ORDER DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE

Plaintiff Kenneth Boyer has filed a *pro se* complaint against defendant Great Lakes Capital Funds alleging a state law claim for breach of an agreement, asserting that this Court has subject matter jurisdiction on the basis of diversity of citizenship. *See* 28 U.S.C. § 1332(a). Boyer alleges in the complaint that he is a limited liability company organized in Michigan and the defendant is a corporation organized under Michigan law and operating in Michigan. He seeks to recover damages for an alleged breach of a partnership agreement between the defendant and him. In the complaint, Boyer alleges damages in the amount of \$10 million, and he asks for “temporary, preliminary and permanent injunctive relief” as well.

Federal courts are courts of limited jurisdiction; they possess only “that power authorized by Constitution and statute.” *Metro Hydroelectric Co., LLC v. Metro Parks*, 541 F.3d 605, 610 (6th Cir. 2008) (citation omitted). Diversity jurisdiction conferred on this Court by Congress under 28 U.S.C. § 1332(a) exists only between citizens of different states, and complete diversity is required for a federal court to exercise jurisdiction under section 1332(a). *Peninsula Asset Mgmt. (Cayman) Ltd. v. Hankook Tire Co., Ltd.*, 509 F.3d 271, 272-73 (6th Cir. 2007); *Glancy v. Taubman Centers, Inc.*, 373 F.3d 656, 664 (6th Cir. 2004). The plaintiff has alleged in the complaint that both he and

the defendant are Michigan citizens. Therefore the plaintiff has not alleged facts supporting a finding of subject matter jurisdiction based on diversity of citizenship. Nor has the plaintiff presented any other theory in the complaint that would support a finding of subject matter jurisdiction.

Accordingly, it is **ORDERED** that the plaintiff's complaint [dkt. #1] is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 26, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 26, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL